

REMARKS

The Office Action of February 15, 2004 has been carefully reviewed and considered. Applicant acknowledges the rejections of Claims 1-15 and 21-22 under 35 U.S.C. 112 second paragraph on the grounds indicated, and of Claims 1-15 and 21-22 under 35 U.S.C. 102(b) or 103(3a) over Rossi. Importantly, Applicant is grateful for the allowance of Claims 16-20.

In order to advance prosecution of this application towards issuance as a patent:

(a) Applicant has amended allowed Claims 18-20 merely to properly correct their dependency to Claim 17;

(b) Applicant has amended independent Claim 1 of Claims 1-15 in order to more clearly and fully claim a toy balloon valve adapter, per se, of Applicant's invention as shown clearly in FIG. 1-C and correspondingly described. Limitations in Claims 1-15 appearing to read on a toy balloon valve have been deleted. Consistent with this amendment of independent Claim 1, Applicant has canceled dependent Claims 2, 4 and 11-12;

(c) Applicant has also amended independent Claim 21 so that Claims 21 -22 now more clearly and fully are directed to the toy balloon valve and valve adapter embodiment of Applicant's invention as shown clearly in FIGS. 1-D, 1-E and 1-F; and

(d) Applicant has added new Claims 23-24 in order to more clearly and fully claim a displayable or give-away toy balloon assembly of Applicant's invention as shown clearly in FIGS. 1-A and 1-B.

As drawn described and now more fully and clearly claimed, Applicant's invention is directed to a problem of existing toy balloon valves not being able to effectively support and seal the necks of certain large size displayable or give-away toy balloons as used by car dealerships and

restaurants. Accordingly, Applicant's invention is directed to a displayable or give-away toy balloon assembly including a toy balloon valve adapter as part of a toy balloon neck sealing and supporting subassembly for sealing and supporting the displayable or give-away toy balloon after inflation. The toy balloon neck sealing and supporting subassembly (that is the toy balloon valve and the toy balloon valve adapter) after balloon inflation, stay with the inflated balloon to support and seal the inflation fluid therein against premature deflation. Amended Claims 1, 3, 5-10, 13-15 and 21-22, allowed Claims 16-20 and new Claims 23-24, are directed to various aspects and embodiments of Applicant's invention as such.

In the Office action, the Examiner, the Examiner allowed Claims 16-20, but rejected Claims 1-15 and 21-22 directed to the adapter of Applicant's invention under 35 U.S.C. 112 second paragraph for including limitations to a toy balloon valve. The examiner also rejected Claims 1-15 and 21-22 under 35 U.S.C. 102(b) or 103(3a) over Rossi.

Applicant has amended independent Claim 1 and deleted dependent Claims 2, 4, and 11-12 in order to overcome the rejection under 35 U.S.C. 112 second paragraph. Remaining amended Claims 1, 3, 5-10 and 13-15 are now clearly directed to an adapter, per se, for use on a toy balloon valve.

Applicant has also further amended independent Claims 1 and 21 to more fully and clearly distinguish what applicant is claiming therein from the teaching of Rossi.

Reasonably and correctly read, Rossi teaches a weather balloon inflating, sealing and supporting system that includes two devices 18 and 26 referred to as "adapters". The first device 18 fits onto a control valve of a fill tank for filling the balloon. The second device 26 is intended to stay with the balloon after inflation. The device 26 has a single flange 28 for supporting and sealing the neck of the weather balloon, a fluid passage 29, 34 and a sealing or

valve assembly 38, 44. The device or adapter 26 is thus merely a single size balloon neck sealing and support valve that fits over the first device 18 only during inflation, and allows inflation fluid to flow into the balloon. The second device 26 then includes the sealing member 38 and the resilient member 44 that holds 38 into a fluid sealing position in order to retain the inflation fluid within the balloon after inflation. When detached from the fill tank after inflation, only the device 26 stays with the weather balloon as a sealing valve.

As such, the second device or adapter 26 of Rossi is like the toy balloon valve 50 of Applicant's invention. Unlike Applicant's invention, the second device or adapter 26, that stays with the balloon, has only the one flange 28 for supporting and sealing a certain size balloon neck, but does not include an adapter that mounts over it and stays with it for the purpose of enabling the device 26 to matingly and sealing support different sizes of balloon necks as does Applicant's adapter 40 as shown clearly in FIGS. 1-B and 1-C.

Rossi additionally does not discuss and does not attempt to address the problem of existing toy balloon valves not being able to effectively support and seal the necks of certain large size displayable or give-away toy balloons as used by car dealerships and restaurants. Absent Applicant's teachings, there is clearly no need and no motivation in Rossi to mount a different size-adapting flange or flanges over the single flange 28 so as to enable the device 26 to matingly and sealing support different sizes of balloon necks.

Accordingly, it is respectfully submitted that Applicant's invention as drawn, described and claimed is structurally, functionally and advantageously different from the first and even second devices or adapters 18 and 26 of Rossi. As such, in addition to allowed Claims 16-20, Applicant's amended Claims 1, 3, 5-10, 13-15 and 21-22, as well as new Claims 23-24, are

respectfully submitted as also being patentable under 35 U.S.C. 102(b) or 103(3a) over Rossi.

Reconsideration and allowance of this application with amended Claims 1, 3, 5-10, 13-15, 21-22, new Claims 23-24, and allowed Claims 16- 20, are respectfully requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Robert H. Murray, at Telephone Number 585-223-1225, Fairport, New York.

Respectfully submitted,

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